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COMMISSION ON HUMAN RIGHTS

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Item 2 of the agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDANT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 July 1998]

GE.98-13519 (E)

1. The International Federation of Human Rights Leagues (IFHR) and its affiliate, the Tunisian Human Rights League (LTDH), express their concern at the continued deterioration in the human rights situation in Tunisia. They appeal to the Sub-Commission to react with firmness by adopting a resolution condemning the human rights violations in Tunisia and calling upon the Commission to include Tunisia in its agenda.

2. The human rights violations are of many kinds: arbitrary arrests, excessive periods in custody (the dates of arrest are falsified so that custody does not exceed the 10 days theoretically authorized by law), torture and cruel, inhuman and degrading treatment, violations of the right to a fair trial, violations of the rights of detainees. Freedom of opinion and expression is flouted on a daily basis. The national press is muzzled, and the foreign press is censored when it writes about Tunisia. Le Monde, for example, is distributed three days after its publication date. Abroad, anonymous and pro-government publications, notably Les Masques, continue to pour out poisonous lies and make attacks which are full of hatred for certain Tunisian citizens selected as targets.

3. In this general context of repeated attacks on fundamental freedoms, human rights defenders are the first victims: they are harassed, prosecuted, sentenced for their convictions and prevented from carrying out their mission to protect and promote human rights in Tunisia and to inform the international community of the situation.

Trials, charges, tortures, deaths in detention

4. Khemais Ksila, Vice-President of the LTDH, was sentenced to three years' imprisonment on 11 February 1998 for a "crime of opinion". On 25 April the Court of Appeal in Tunis confirmed the sentence, giving as a reason the mere announcement, in September 1997, of a hunger strike to denounce the harassment to which Mr. Ksila and his associates were being subjected by virtue of his commitment on behalf of human rights. An appeal was rejected on 28 May 1998. The nine reports of legal observations conducted on the initiative of six international NGOs, including the IFHR, have all been in agreement that there was a violation of the right to a fair trial.

5. Radhia Nasraoui, a lawyer and human rights defender, was summoned to appear before the dean of examining magistrates on 30 March 1998 when she had returned from a mission to Mali on behalf of Amnesty International. The magistrate read out 11 charges, including "belonging to a band of criminals", "links with a terrorist organization", and an "illegal meeting" - accusations which were identical to those made against 15 detainees whom Maître Nasraoui was defending. She therefore risks being sentenced to more than 20 years in prison. She has been allowed to remain at liberty, but has been notified that she is banned from leaving Tunisian territory and moving outside the Tunis district, which amounts to preventing her practising. It should be recalled that Maître Nasraoui, a member of the Council of the Ordre National des Avocats, had specialized in defending human rights. Her office had been "visited" on a number of occasions during the year by persons unknown, and ransacked last February. Along with her young children, she has been continually harassed, and it has become very difficult for her to work. In addition, her husband, Hamma Hammami, a leader of the Communist Party of

Workers of Tunisia (PCOT, a party which is banned in Tunisia), is being sought by the police. Maître Nasraoui has just been comfortably re-elected - on 14 June 1998 - by her colleagues in elections to the Council of the Ordre National des Avocats.

6. Mohamed Moadda, President of the Movement of Socialist Democrats (MDS), was conditionally released on 30 December 1996 after serving part of a prison sentence which had been passed on him after a trial for his beliefs. He got his passport back in November 1997, and travelled to Europe, where he met European members of parliament and organizations working to defend human rights. After that trip he was questioned on a number of occasions and then summoned by the examining magistrate in December 1997 in the context of a judicial investigation into "a network linked to fundamentalist terrorism" with which Mr. Moadda had allegedly had contacts. On 21 May 1998 the investigation continued. Mr. Moadda was requested to remain at the disposal of the law. He was forbidden to move outside the Tunis district. He could not receive any visits at his home, his telephone line was cut and his bank account (into which is paid his monthly pension from his unilaterally enforced early retirement as a university professor) was made the subject of an attachment of debt measure under the pretext of reimbursement of the fine imposed on him in 1996.

7. Eighteen people, including 15 students, were arrested and charged in an affair concerning members of the PCOT. Among them was Najib Baccouchi, who had already been in prison for three years and tortured. He was released in 1997, and arrested again on 2 March 1998 and tortured violently.

8. Several sentences handed down recently provide evidence of systematic and merciless repression of people who, by reason of family or emotional ties with known or supposed "Islamists", are harassed and sometimes prosecuted crudely for "criminal association" or for the alleged provision of financial aid. Dozens of women are threatened, maltreated and interrogated on a daily basis about their contacts with their exiled spouses or parents, and are subjected to intolerable pressure to divorce. On 26 May 1998, Radhia Aouididi and Samia Ben Karmi were sentenced to three and a half years' imprisonment. Radhia Aouididi had been arrested on 9 November 1996, when in desperation she had made use of false documents in an attempt to join her fiancé, who is a refugee in France and a sympathizer of "Ennadha" (a Tunisian Islamist movement). Samia Ben Karmi was charged in connection with the help she had given her friend. One cannot help but be surprised at the disproportionate nature of the sentence compared with the crime that had been committed, and when it involved two young women with no previous records.

9. Rashida Ben Salem, arrested in Tunisia in May 1997, was sentenced in November 1997 to two years and nine months' imprisonment. She was charged with having attempted to join her husband, who was a refugee in the Netherlands, accompanied by their two children.

10. There is also the case of Dr. Moncef Marzouki, a former President of the LTDH. He was deprived of the opportunity to practise his profession, and had his passport and telephone taken away; he was subject to constant harassment. His brother, Mohamed Ali Bedoui, was wrongly sentenced to a second term of six months' imprisonment on 5 February 1998.

11. All human rights defenders are currently under attack in Tunisia. The LTDH has been rendered incapable of fulfilling its mission: Taoufik Bouderbala, its President, is under constant pressure. In February 1998, in an unprecedented move, he was summoned by the State Prosecutor to "explain himself" regarding public statements by the LTDH expressing its total solidarity with its imprisoned Vice-President, Khemais Ksila. LTDH communiqués are not used by the press, and consequently public opinion is not informed. This immediately raises the question of what possibilities a legally recognized organization has to pursue its activities when it cannot fulfil its mission to inform and protect. Harassment of members of the management committee and officials of various sections of the LTDH is increasing in frequency and intensity. It even affects people's private lives, and takes the form of aggression, telephone tapping, dismissals and illegal "searches"; people are frequently followed and there is constant and systematic surveillance of the League's headquarters. A number of the League's activities concerning human rights education have been interfered with, and frequently banned. The Ministry of the Interior remains silent when it receives correspondence, representations and telephone calls from the LTDH management committee regarding the numerous cases of grievances on the part of citizens. Ostracizing the LTDH takes the form, among other things, of not inviting it to official events concerning associations (the National Day of Associations) or human rights (commemoration of the Universal Declaration of Human Rights).

12. One cannot but deplore the increasing number of cases of deaths in often suspicious circumstances while in detention (Ridha Khemiri in July 1997; Ahmed Ouafi in September 1997; Mabrouk Zran in May 1997, etc.). Requests for investigations into the circumstances of these deaths remain unanswered.

Tougher laws and violations of international norms

13. An amendment to the article in the Penal Code concerning attacks on the external security of the State was tabled and adopted in the Council of Ministers in September 1997. The amendment is to the effect that any contact with representatives of foreign or international organizations or the international press shall be considered as an attack on the external security of the State, which is a crime punishable by 12 years' imprisonment. The amendment awaits ratification by Parliament, and it seems that the authorities have slowed down the ratification process in response to national and international pressure. Since November 1993, article 307 bis of the amended Code of Criminal Procedure has permitted the prosecution of Tunisians for participation in meetings abroad, disseminating pamphlets of associations which have not been recognized or for any other act even if these acts do not constitute crimes in the jurisdiction of the country where they are alleged to have occurred.

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